

1 CRAIG B. FRIEDBERG, ESQ.
2 Nevada Bar No. 4606
3 LAW OFFICES OF CRAIG B. FRIEDBERG, ESQ.
4 4760 S. Pecos Road, Suite 103
5 Las Vegas, Nevada 89121
6 Phone: (702) 435-7968
7 Fax: 1-702-825-8071
8 Email: attcbf@cox.net

9 *Attorney for Plaintiff Blake Cooley and the Proposed Class*

10
11
12
13
14

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

15 BLAKE COOLEY, individually and on behalf of) Case No.: 2:19-cv-00653-APG-BNW
16 all others similarly situated,)
17 Plaintiff,)
18 v.)
19 MSC MERCHANT SERVICE CENTER LLC,)
20 Defendant.)

21 Plaintiff Blake Cooley (hereinafter "Plaintiff"), by his undersigned counsel, hereby
22 requests this Court to extend the time to pursue discovery in aid of a motion for class
23 certification prior to the entry of default and final judgment in this matter. In support of
24 this motion, the Plaintiff states as follows:

25 1. After the Court's Order allowing Plaintiff to take discovery prior to entry of
26 a default judgment, to identify members of the putative class and determine the amount
of damages they are entitled to, Plaintiff was able to find a putative address in
Henderson, NV for the defendant.

27 2. Plaintiff has so far been unable to locate the residence for Defendant's
28 managing member, Renalyn Sales (see Exhibit 1, Entity Details-Secretary of State,
Nevada), to have her personally served with the attached Subpoena Duces Tecum (SDT),
(see Exhibit 2) which went out for service but has not yet been delivered.

29 3. The Governor of Nevada, on March 12, 2020, in light of the pandemic,
30 issued a declaration of emergency and closed all non-essential businesses (including all

types of commercial and consumer debt collectors, such as the Defendant), so the only known potential business address of the Defendant has not been open.

4. Once the Governor's declaration of emergency has been lifted, Plaintiff intends to re-attempt service of the SDT at the possible business address of the Defendant, to further his seeking to serve third party subpoenas on Defendant's officers, employees, or any other individuals associated with them in an effort to obtain call logs from them or identify any third party that would have access to information regarding Defendant's TCPA violative calls.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff an extension of time of 90 days after the lifting of the Governor's declaration of emergency to get third-party discovery of the defaulted defendant.

DATED this 11th day of May 2020.

LAW OFFICES OF CRAIG B. FRIEDBERG, ESQ.

By: /s/ Craig Friedberg
CRAIG B. FRIEDBERG
Attorney for Plaintiff Blake Cooley and the
Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of May 2020 the foregoing Plaintiff's Motion for Extension of Time to Take Third-Party Discovery of Defendant was filed electronically and served by USPS first-class mail on the resident agent of MSC: Legalinc Corporate Services Inc., 1810 E. Sahara Ave. Suite 215, Las Vegas, NV 89104.

IT IS ORDERED that ECF No. 13 is GRANTED in part and DENIED in part. It is granted to the extent that the Court will give Plaintiff until August 18, 2020 to complete his third-party discovery and denied in all other regards. If Plaintiff cannot safely complete discovery in this period, Plaintiff may move for another extension.

/s/ Craig Friedberg

DATED: May 19, 2020

BRENDA WEKSLER

UNITED STATES MAGISTRATE JUDGE